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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,905	09/04/2001	Rolf Kohler	10191/1855	6294

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KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK, NY 10004

EXAMINER
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TRAN, PHILIP B

ART UNIT	PAPER NUMBER
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2155

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/856,905

Applicant(s)

KOHLER ET AL.

Examiner

Philip B. Tran

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 U.S.C. § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

((b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10-13 and 15-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ardon et al (Hereafter, Ardon), U.S. Pat. No. 5,105,420.

Regarding claim 10, Ardon teaches a method for selecting a function to be implemented at a terminal of a control unit, the method comprising the steps of selecting the function to be implemented from one of at least two different functions by using a pre-definable code (software module) [see Figs. 1 & 4a-4b & 6 and Col. 5, Lines 45-66] for providing an implemented function and suppressing other ones of the at least two different functions, wherein the pre-definable code includes information pertaining to a waiting time (idle time slot) [see Col. 6, Lines 27-50] corresponding to a period of time after which a switch is made from the function to be implemented to a further function of the at least two different functions, the further function being suppressed during the period of time (= the switching system includes a central switch 2055 with control unit 2061 for providing switch communication between different selective switching units 2031 & 2032) [see Abstract and Figs. 4a-4b & 6 and Col. 9, Lines 33-67 and Col. 11, Lines 6-63].

Regarding claims 11-12, Ardon further teaches the method according to claim 10, wherein the at least two functions are implemented by at least two different signals applicable to the terminal of the control unit, one signal of the at least two different signals of the function to be implemented is selected by the pre-definable code and applied to the terminal, and other ones of the at least two different signals are suppressed and wherein one function of the at least two functions is implemented by a signal applicable to the terminal of the control unit, the signal of the function to be implemented is selected by the pre-definable code and applied to the terminal, and other ones of the at least two different functions are suppressed [see Col. 11, Lines 6-63 and Col. 14, Line 32 to Col. 15, Line 11].

Regarding claim 13, Ardon further teaches the method according to claim 10, wherein one of the at least two functions includes a use of the terminal of the control unit for providing a bidirectional communication connection of another control unit to the control unit [see Figs. 4a-4b].

Claim 15 is rejected under the same rationale set forth above to claim 10.

Regarding claim 16, Ardon further teaches the device according to claim 15, further comprising an arrangement for selecting and clearing a function path of a function to be implemented independently of a code and for suppressing the at least another function path [see Abstract and Col. 13, Line 51 to Col. 14, Line 20].

Regarding claim 17, Ardon further teaches the device according to claim 15, wherein the first function includes a signal output unidirectionally over the first function path [see Fig. 6].

Claim 18 is rejected under the same rationale set forth above to claim 13.

***Response to Arguments***

3. Applicant's arguments have been fully considered but they are not persuasive because of the following reasons:

Applicant argues that in the whole document (Ardon) there is not shown that a predefined code is given and that this predefined code includes information which expresses a period of time, which is a waiting time after which a suppressed function is free on that line and the other function which was established in the period of time is now suppressed [see Remarks, Page 4].

The examiner respectfully disagrees. Ardon still teaches a method for selecting a function to be implemented at a terminal of a control unit, the method comprising the steps of selecting the function to be implemented from one of at least two different functions by using a pre-definable code for providing an implemented function and suppressing other ones of the at least two different functions, wherein the pre-definable code includes information pertaining to a waiting time corresponding to a period of time after which a switch is made from the function to be implemented to a further function of the at least two different functions, the further function being suppressed during the


period of time. For example, Ardon discloses the switching system includes a central switch 2055 with control unit 2061 for providing switch communication between different selective switching units 2031 & 2032 [see Ardon, Abstract and Figs. 4a-4b & 6 and Col. 9, Lines 33-67 and Col. 11, Lines 6-63]. Of course, this will lead to the case when one control unit is selected and the other one is not selected (suppressed) during a period of time. Regarding a predefined code, Ardon discloses software module which is inherently existed to control switching paths and to manage time slots [see Figs. 1 & 4a-4b & 6 and Col. 5, Lines 45-66] wherein there is an idle time slot involving selecting paths [see Col. 6, Lines 27-50].

In view of the foregoing, the examiner asserts that the cited reference (Ardon et al, U.S. Pat. No. 5,105,420) does teach or suggest the subject matter recited in independent claim. Dependent claims depend on independent claim and are therefore rejected at least by virtue of their dependency on independent claim and by other reasons set forth above. Accordingly, the examiner respectfully maintains the rejections for claims 10-13 and 15-18 as shown above.

4. A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION. FAILURE TO RESPOND WITHIN THE PERIOD FOR RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C. § 133). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF 37 CAR 1.136(A).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The Group fax phone number is (571) 273-8300. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on (571) 272-4006.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Philip B. Tran  
Primary Examiner  
Art Unit 2155  
April 12, 2007